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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,707	08/06/2001	Tetsuro Motoyama	208695US-2	8762
22850	7590	07/27/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GEREZGIHER, YEMANE M	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,707

Applicant(s)

MOTOYAMA, TETSURO

Examiner

Yemane M. Gerezgiher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/28/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Amendment filed on 05/04/2005 has been entered. Claims 1-33 remain pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-14, 16-19, 24-29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin et al., (U.S. Patent Number 6,477,576) hereinafter referred to as Angwin in view of Ficco et al., (U.S. Patent Number 6,868,292) hereinafter referred to as Ficco.

As per claims 1, 16 and 31, Angwin disclosed:

broadcasting a wireless menu [Abstract, Col. 2, Lines 50-61 Angwin disclosed broadcasting a discovery menu] request from a hand held [Col. 6, Lines 10-11] control device to electronic devices connected to a wireless local area network (LAN); [Abstract, Fig. 2, Steps 102, 104 and Col. 2, Lines 50-61, Angwin disclosed broadcasting to a plurality electronic devices in a network]

receiving a wireless menu response from one of said electronic devices, said wireless menu response including an identifier and a menu location associated with said one of said electronic devices; [Fig. 2, Step 106 and Col. 8, Lines 38-65 and Col. 7, Line 60 through Col. 8, Line 16]

displaying a representation of said one of said electronic devices on a display of said hand held control device [Fig. 2, Step 108 (also disclosed below) and Col. 8, Lines 42-45];

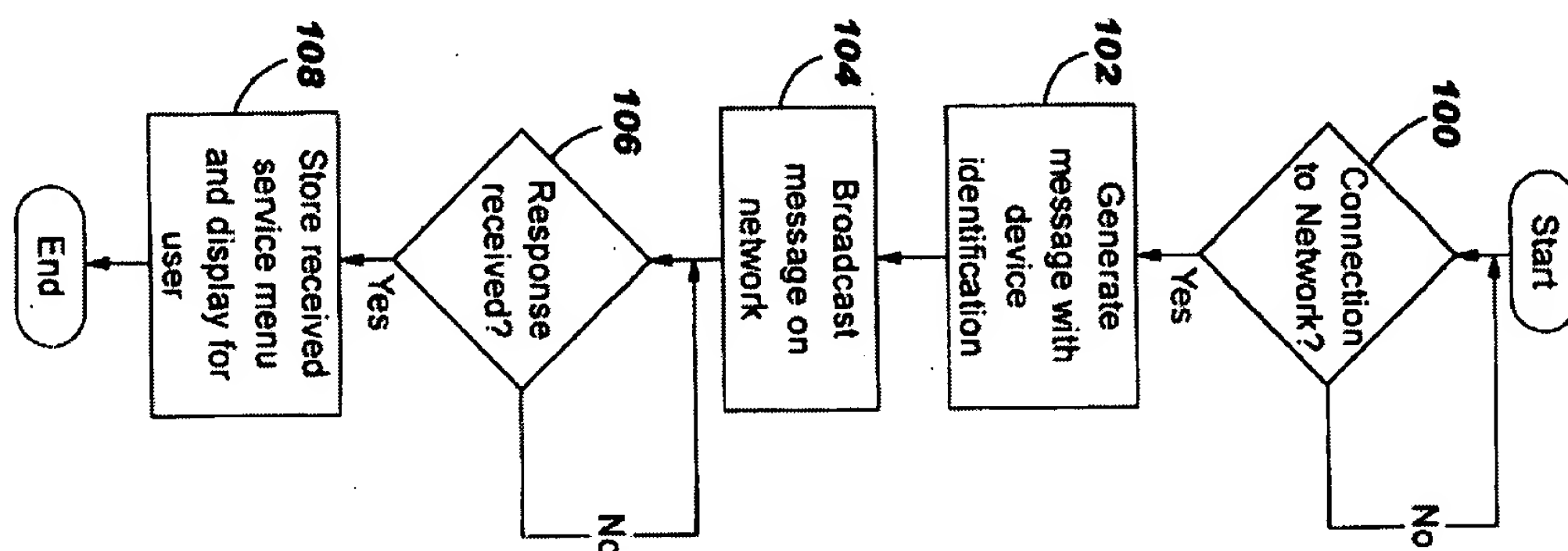


FIG. 2

However, Angwin was silent about selecting and controlling an electronic device by making a connection via a wireless LAN. However, as evidenced by the teachings of Ficco, selecting an electronic device from a menu in a GUI from a device such as a PDA in a home network, which is a wireless-LAN, was known in the art at the time of the invention. See Fig. 1, Fig. 13, Col. 3, Lines 45-49 (menu driven GUI to selectively control electronic device), Col. 4, Lines 3-15, Col. 5, Lines 49 through Col. 6, Line 6, Col. 14, Lines 57-67 (each

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electronic device connected to the network having therein at least one HTML file associated, the HTML file defining the command control functions allowing a user to select and remotely control thereon), Col. 19, Lines 10-16 (examples of the menus where a user remotely selects a link associated with an oven and warming the selected oven, selecting a play list on a CD player, starting a propane fireplace in a dining room e.t.c), in Col. 20, Line 59 through Col. 21, Line 50 (among plurality of control devices, a handheld device such as a PALM PILOT ® enabling a user to control the electronic devices (see also Col. 22, Lines 41-42, furthermore as it is expected in a wireless environment a control device having therein a receiver and a transmitter (Col. 22, Lines 12-15)); providing a user interface having therein menu associated with the selectable electronic devices (Col. 21, Lines 29-34), selectively controlling the electronic devices from the menu by selecting electronic devices including home appliances, lighting systems, heating, ventilation, AC equipment, home security systems, home entertainment systems (Col. 21, Lines 37-50). Ficco further disclosed the network been a wireless home network such as WLAN (Col. 22, Lines 24-29)). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Ficco related to menu based selectively controlling electronic devices in a wireless LAN and have modified the teachings of Angwin related to broadcasting a discovery menu and receiving a response from the electronic devices in the network in order to allow a user to easily discover the

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menu for the electronic devices; with out prior knowledge of the location of the electronic devices (see Angwin Col. 35-61) and further enabling a user to effortlessly control functions of the electronic devices from a centralized location or device in the home network (col. 3, Lines 40-49).

Claim 33 is rejected with the same rationale claim 1 is rejected above. Further, since the already combined teachings of Ficco and Angwin are implemented in a computer system, a computer readable medium having therein a program when executed by a computer system to perform the method was inherently disclosed. See also Ficco Col. 24, 38-59.

As per claims 2 and 17,

said step of broadcasting comprises transmitting a menu request to electronic devices capable of communicating using a predetermined protocol compatible with the control device, [see Angwin Col. 2, Lines 50-67 and Col. 8, Lines 56-65] and

said step of receiving comprises receiving a menu response only from said electronic devices capable of communicating using said predetermined protocol. [See Angwin Col. 3, Lines 1-2].

As per claims 3 and 18,

wherein said step of transmitting comprises transmitting a menu request to electronic devices capable of communicating using a hypertext transfer protocol (http) [Angwin Col. 8, Lines 51-52, disclosed a sending a request to devices capable of HTTP].

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As per claims 4 and 19,

wherein said step of establishing a control connection comprises establishing a control connection directly between the control device and electronic device using said predetermined protocol. [See Ficco Col. 21, Lines 22-50 and Col. 14, Lines 56-67, Ficco disclosed a selectively controlling (establishing a connection) an electronic device having therein a predetermined protocol (HTTP)].

As per claims 9 and 24,

wherein said receiving comprises receiving a plurality of said wireless menu responses from a plurality of electronic devices connected to said wireless LAN. [See Ficco Figs. 1 & 11, multiple responses to the request broadcast, and Col. 19, Lines 10-16]

As per claims 10 and 25,

displaying a list of said plurality of electronic devices; and selecting one of said plurality of electronic devices based on user selection from said list. [See Ficco Fig. 11 and Col. 21, Lines 37-50, displaying and selectively controlling the electronic devices from the menu by selecting electronic devices including home appliances, lighting systems, heating, ventilation, AC equipment, home security systems, home entertainment systems].

As per claims 11 and 26,

wherein said displaying a list comprises displaying a text list of said plurality of devices. [See Ficco Fig. 11 and Col. 19, Lines 10-15]

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As per claims 12 and 27,

wherein said displaying a list comprises displaying a graphical menu including said plurality of wireless devices [see Ficco Fig. 11, Col. 4 Lines 11-11 and Col. 22, Lines 12-14]

As per claim 13 and 28,

displaying a first portion of said plurality of electronic devices from which a wireless identification message is received; [see Ficco Fig. 11, disclosed displaying portions of controllable devices in an alphabetical order]

displaying an option to display others of said plurality of electronic devices; [see Ficco Fig. 11, disclosed displaying portions of controllable devices in an alphabetical order] further allowing a selection to be made by the user performing the task] and

displaying a second portion of said plurality of wireless devices based on user selection of said option to display others of said plurality of electronic devices. [See Ficco Fig. 11, disclosed displaying portions of controllable devices in an alphabetical order further allowing a selection to be made by the user performing the task].

As per claims 14 and 29,

wherein said displaying a list comprises displaying a list of said plurality of electronic devices in a predetermined order. [See Ficco Fig. 11, displayed the menu of the controllable electronic devices in alphabetical order].

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4. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin et al., (U.S. Patent Number 6,477,576) in view of Ficco et al., (U.S. Patent Number 6,868,292) and further in view of Gallagher et al (U.S. Patent Number 5,933,784) hereinafter referred to as Gallagher.

Even though it is very known and commonly used technique to use a gateway (A hardware or software set-up that translates between two dissimilar protocols), the combined teachings of did not explicitly disclose a gateway server translating one protocol to another. However, as evidences by the teachings of Gallagher a gateway enabling two different electronic devices to with incompatible communication protocol to communicate by means of the gateway conversion. See Abstract and Col. 3, Lines 45-65. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to take the commonly known scheme of protocol conversion (gateway) as taught by the teachings of Gallagher and have modified the already combined teachings of Ficco and Angwin in order to allow communication among different devices with incompatible protocols. See Col. 3, Lines 35-43.

5. Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin et al., (U.S. Patent Number 6,477,576) in view of Ficco et al., (U.S. Patent Number 6,868,292) and further in view of Pisutha-Arnond et al. (US 20020085017 A1) hereinafter referred to as Pisutha.

The already combined teachings of Ficco and Angwin substantially disclosed the invention as claimed. However, failed to display order of a menu

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list according to a user frequency of use in the electronic device. However, in these arts, Pisutha taught reordering a menu displayed on an interface of a handheld device according to the frequency use of the user. See Abstract and Page 1 ¶ [0008]. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was to take the teachings of Pisutha and have modified the already combined teachings of Ficco and Angwin providing flexibility when displaying the menu list according to a user selected preference. See Page 1, ¶ [0004-0007].

6. Claims 6-8 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin et al., (U.S. Patent Number 6,477,576) in view of Ficco et al., (U.S. Patent Number 6,868,292) as applied to claims 1, 16 and 31 above and further in view of Hansen et al (US 20020090966 A1) hereinafter referred to as Hansen.

The already combined teachings of Ficco and Angwin substantially disclosed the invention as claimed. However, were silent about transmitting message at a predetermined transmit power, adjusting the predetermined transmit power, determining a signal strength and setting the transmit power of a control device according to the signal strength determined.

As evidenced by the teachings of Hansen, transmitting message at a predetermined transmit power, adjusting the predetermined transmit power, determining a signal strength and setting the transmit power of a control

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device according to the signal strength determined was known in the art at the time the invention was made. See Figures 9-12, Title, Abstract, Paragraphs [0019], [0027], [0031], Page 7 Claim 8 and Page 10 Claim 21.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Hansen related to transmitting information using a predetermined transmit power, determining the signal strength of the transmit power, adjusting the predetermined transmit power and setting the transmit power in accordance to the signal strength and have modified the already combined teachings of Ficco and Angwin in order “to improve power efficiency, to reduce interference, and/or to meet regulatory requirements.” See Page 1, Paragraph [0006].

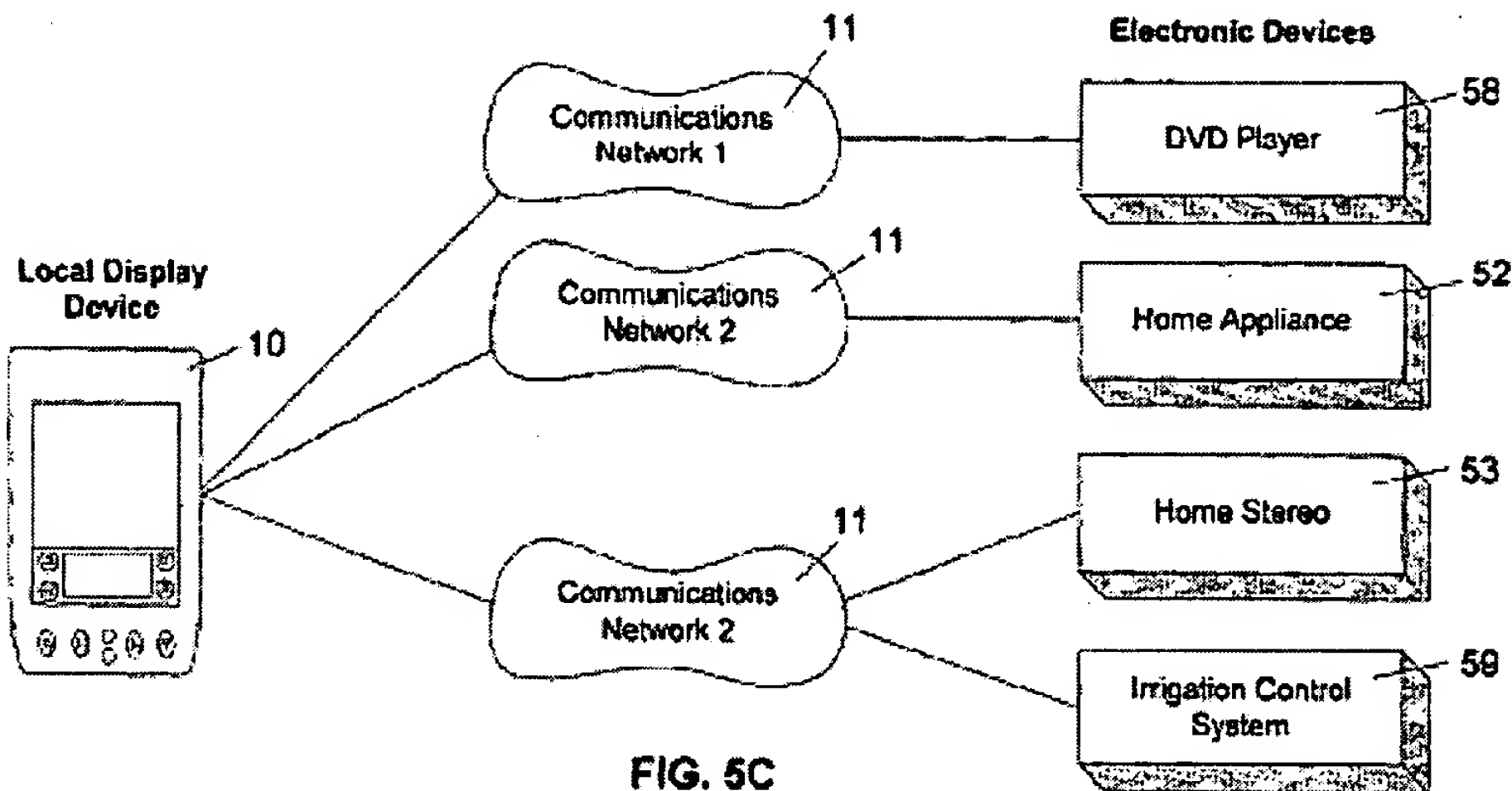
Response to Arguments

7. Applicant's arguments with respect to claims 1, 16 and 31 have been considered but are moot in view of the new ground(s) of rejection.

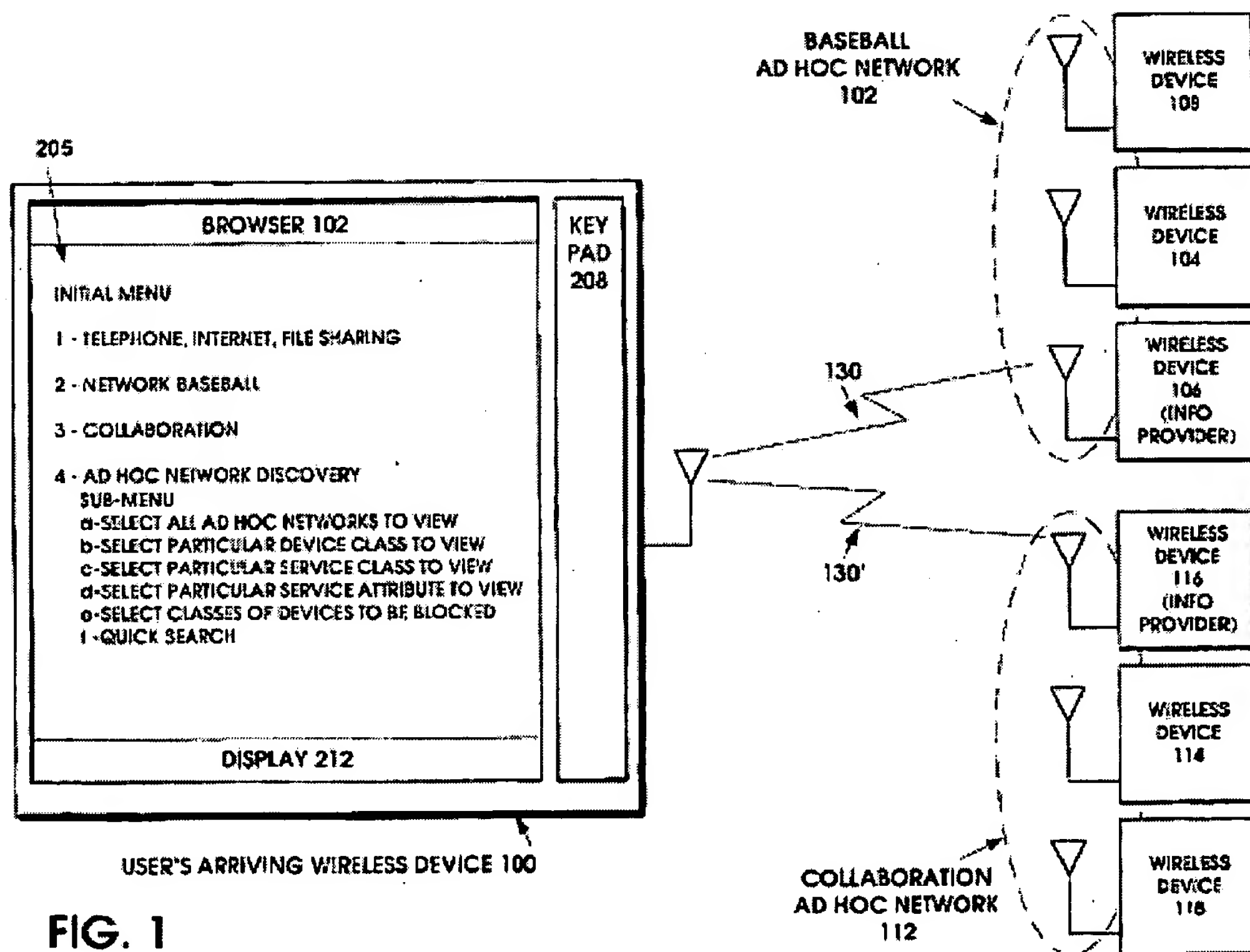
However, the examiner likes to point out that the following two applications disclosed below may need close attention of the inventive entity, because both disclose a handheld device (PDA) broadcasting a wireless menu in discovering wireless devices in a wireless network and controlling such devices via the PDA:

- a. Madarasz et al., (US 20020130834 A1) entitled: “System and method for universal control of devices” See Fig Below:

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- b. Olkkonen et al. (US 6842460 B1) entitled: "Ad hoc network discovery menu". See Fig Below:



Conclusion

8. The prior art made of record (see Form PTO 892 attached) and not relied upon is considered pertinent to applicant's disclosure.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose

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telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached at (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yemane M. Gerezgiher
Patent Examiner, Computer Science


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100